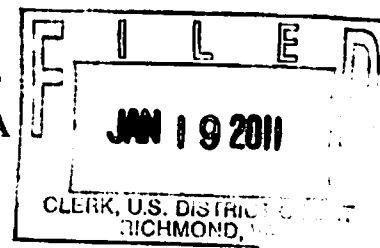


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KELLY DANIEL BARNES,

Plaintiff,

v.

Civil Action No. 3:09CV823

J.W. PUTNAM, *et al.*,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on January 22, 2010, the Court conditionally docketed Plaintiff's action. In that Memorandum Order, the Court warned Plaintiff that he must immediately advise the Court of his new address in the event that is transferred or relocated.

By Memorandum Order entered on December 10, 2010, the Court directed the Marshal to serve the defendants. On December 30, 2010, the December 10, 2010 Memorandum Order sent to Plaintiff was returned to the Court by the United States Postal Service marked, "RETURN TO SENDER - ATTEMPTED NOT KNOWN - UNABLE TO FORWARD." Plaintiff's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b). Accordingly, the December 10, 2010 Memorandum Order will be VACATED and the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: **JAN 19 2011**
Richmond, Virginia

/s/
Richard L. Williams
United States District Judge